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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,470	12/05/2003	Werner Franz Wilhelm Lonsky	18,693.1	1301

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KIMBERLY-CLARK WORLDWIDE, INC.
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EXAMINER

DICUS, TAMRA

ART UNIT PAPER NUMBER

1774

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,470

Applicant(s)

LONSKY ET AL.

Examiner

Tamra L. Dicus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 13, 25, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 13, 25, and 33 to “having a brightness value wherein the brightness value of the consumer product changes” is indefinite. What is the brightness value attributed to, film or consumer product?

Further regarding claims 1, 13, 25, and 33, “having a brightness value wherein the brightness value of the consumer product changes about 5 percent or less during an exposure to light for a period of about 12 months or more” is indefinite because Applicant is claiming the system / film in terms of the enclosed consumer product which has been wrapped by the film.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-5, 8-9, 11-17, 20-21, 23-28, 30-36, and 38-44 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,815,482 to Hirn et al.

Hirn teaches the same UV absorbers including inorganic TiO₂ and organic benzotriazole (abstract) (see Applicant's instant specification page 10, line 31 through page 11, line 1) that when exposed to light (including UV rays between 280 and 435 nm) the cellulose-base or paper rolls product maintain its white color due to the film that encloses it, which has excellent transparency, no-coloring or yellowness whose UV absorbing properties are substantially constant over time (1:15-30, 2:25-31, 3:5-15, 5:29-68, 6:5-35), meeting the recited brightness value changes less than the respective percentages (no color, including both the product and film) due to exposure as per claims 1-5, 13-17, 25-28, 33-36, 41-44. The film is capable of stretching or elongated because of its same material and wrapping functionality (claims 11-12, 23-25, 32-33, and 40).

Hirn teaches an inorganic and organic components included in the film (2:35-45) as per instant claims 8-9, 20-21, 30-31, and 38-39.

Claims 6, 12, 18, 24, 32, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,815,482 to Hirn et al.

Hirn essentially teaches the claimed invention above.

Hirn does not recite the values as per instant claims 6, 12, 18, 24, 32, 37 and 40. However, as set forth above, Hirn teaches the same material in the film thus, the gauge and elongation values are mechanical properties of the film and are therefore expected and optimizable features for packaging use.

Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,815,482 to Hirn et al. in view of USPN 6,610,173 to Lindsay et al.

Hirn essentially teaches the claimed invention above.

Hirn does not disclose that the fibers of the consumer product (absorbent article) are BCTMP (instant claims 10 and 22).

The Lindsay reference discloses absorbent articles such as bath tissue, facial tissue, paper towels and the like that include a final packaging of the product with a poly film (see 33:8-35). The absorbent articles in the Lindsay reference have paper webs that comprise BCTMP fibers. The BCTMP fibers provide consistency the paper web.

Therefore, since it is well known in the art that paper goods includes BCTMP fibers, it would have been obvious to one of ordinary skill in the art to have packaged paper goods including the fibers using Hirn's package material (33:8-55).

Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable USPN 6,815,482 to Hirn et al. in view of USPN 5,558,912 to Fagerburg et al.

Hirn essentially teaches the claimed invention, but is lacking a teaching of polyester resin comprised in a UV protective packaging film as per claims 7 and 19.

Fagerburg teaches protective films of polyester resin comprised in a UV protective packaging film (6:40-7:10, 8:55-65) having b value (brightness value) changes between 3 and 97% (Examples 3-4).

Also, Hirn teaches that a resin base material can be chosen from a wide variety of thermoplastic compounds to which additives are added. The base resin for making the film should be a polar thermoplastic resin (2:52-60). Therefore, it would have been obvious to one having ordinary skill in the art to have used the polyester film of Fagerburg as a suitable film resin material for use in the packaging film of Hirn (Examples 3-4, 1:5-25, 6:40-7:10, 8:55-65 of Fagerburg).

References of Interest

The remaining references listed on form(s) 892 and/or 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the rejection above.

- USPN 5,685,428 to Herbers et al. teaches paper towels wrapped in packaging film.
- USPN 5,261,531 to Nieves teaches wrapping films that are moisture impermeable enclosing a paper towel or napkin.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tamra L. Dicus
Examiner
Art Unit 1774

August 23, 2006



RENA DYE
SUPERVISORY PATENT EXAMINER

A.U. 1774 8/23/06